

**Remarks**

Reconsideration and allowance of the subject patent application are respectfully requested.

Applicant acknowledges the indication in the Advisory Action that the November 13th Amendment overcomes the Section 112 rejection and the rejections relying upon Ishii et al.

The Advisory Action of January 22, 2008 objects to the claims under 37 C.F.R. 1.75(d)(1) because the phrase "...oblique with respect to a direction perpendicular to a moving direction of the recording medium..." allegedly finds no support as required by this rule. Applicant has amended the specification to provide support for the claim language in independent claims 1, 8, 11 and 15. No new matter is added inasmuch as the added language finds full support in the original drawings and specification. See, e.g., Figure 6B and the related description at, for example, page 15, lines 11-18. Based on this amendment to the specification, withdrawal of the objection under 37 C.F.R. 1.75(d)(1) is respectfully requested.

Claims 1, 3-6, 8, 10, 11 and 13-20 were rejected in the May 11, 2007 office action under 35 U.S.C. Section 102(b) as allegedly being "anticipated" by Satoh et al. '489 (U.S. Patent No. 4,104,489) or Satoh et al. '480 (U.S. Patent No. 4,224,480). As mentioned in the November 13th Amendment, independent claims 1, 8, 11 and 15 recite that an alignment direction of the plurality of gratings is oblique with respect to a direction perpendicular to a moving direction of the recording medium by the moving unit. These claims have been amended to further recite that the alignment direction of the plurality of gratings is oblique with respect to a direction perpendicular to a moving direction of the recording medium at the irradiation position. In the Satoh et al. references, the light modulator 32 (see Figure 1B) is clearly not positioned such that the alignment direction of gratings is oblique with respect to a direction perpendicular to the moving direction of the disc 20 at the irradiation position.

The continuation sheet of the second advisory action references Figure 6 of Satoh et al. as supporting the rejection based on Satoh et al. However, the radial symmetry of the holograms 16a in this figure belies any suggestion that this figure discloses or suggests the claimed features.

Consequently, the Satoh et al. patents do not anticipate the subject matter of independent claims 1, 8, 11 and 15 or the claims that depend therefrom.

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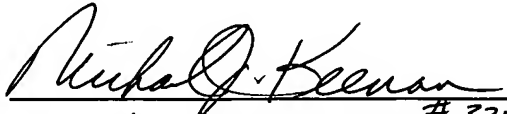
Application No. 10/822,147

Amendment Accompanying Request for Continued Examination

The pending claims are believed to be allowable and favorable office action is respectfully requested.

Respectfully submitted,

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